

IN THE MATTER OF:

JONATHAN WILSON,

Complainant,

and

TRIPPE MANUFACTURING COMPANY
d/b/a TRIPP LITE ,

Respondent.

CHARGE NO(S): 2006CF0484
EEOC NO(S): N/A
ALS NO(S): 06-308

NOTICE

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case.

Accordingly, pursuant to Section 8A-103(A) and/or 8b-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Entered this 23rd day of August 2010

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

1. The Complaint in this matter was served upon Complainant by certified mail through the United States Postal Service. Complainant signed the certified mail receipt on October 8, 2006.

2. The initial status date in this matter was November 16, 2006; neither party appeared. The initial status hearing was rescheduled for January 11, 2007. The Order was served upon the parties by the Commission through the U.S. Postal Service.
3. On January 11, 2007, the parties appeared, Respondent through its counsel. An Order was entered, in part, for Complainant to retain an attorney by the February 27, 2007, status hearing date or appear personally at the hearing.
4. On February 27, 2007, the parties appeared, Respondent through its attorney. Again, Complainant was ordered to retain an attorney by the following status hearing date of April 12, 2007, or personally appear at the hearing.
5. On April 12, 2007, the Respondent, through its attorney, appeared; Complainant was absent. A discovery schedule was set. Complainant was served the Commission's Order by U.S. Postal Service.
6. Respondent served Complainant with its discovery requests by U.S. Postal Service; responses were due on or around May 10, 2007. Complainant failed to serve Respondent with any discovery requests. A status hearing date was set for June 14, 2007.
7. On June 14, 2007, Respondent appeared through its attorney; Complainant was absent. Respondent was permitted to file its Motion to Dismiss for Want of Prosecution prior to June 29, 2007. A briefing schedule was set. Complainant was served the Order by U.S. Postal Service.
8. On June 29, 2007, Respondent filed its Motion to Dismiss Complaint for Want of Prosecution. Complainant was served by U.S. Postal Service. Complainant failed to file a response.
9. On August 17, 2007, Respondent filed its Reply. Complainant was served by U.S. Postal Service.

CONCLUSIONS OF LAW

1. Complainant's repeated and unexplained failure to appear at scheduled status hearing dates, respond to Respondent's discovery requests or to respond to Respondent's Motion, has unreasonably delayed the proceedings in this matter.
2. In light of Complainant's apparent abandonment of his claim, the Complaint in this matter should be dismissed with prejudice.

DISCUSSION

This case has been scheduled for five status hearings. Although Complainant was given notice of all five hearings, he appeared for only two. When he did appear, he asked for and received time to hire an attorney. He never appeared after February 27, 2007, and no attorney filed an appearance on his behalf. He ignored Respondent's discovery requests and failed to respond to Respondent Motion to Dismiss. It is clear that his inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result, it is appropriated to dismiss his claim with prejudice. See, e.g., Leonard and Solid Matter, Inc., IHRC, ALS. No. 4942, August 25, 2002.

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned his claim. Accordingly, it is recommended that the Complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
WILLIAM J. BORAH
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: December 8, 2009